

February 14, 2005

Mr. Jonathan Trout
Secretary/Treasurer
Louisville Metro Air Pollution Control District
850 Barret Avenue
Louisville, KY 40204-1745

Dear Mr. Trout:

By way of this letter, the Kentucky Paint Council is submitting its written comments on the Strategic Toxic Air Reduction (STAR) Program. We continue to have serious concerns about the STAR package. Most of these concerns were expressed during the fall, but unfortunately most of these concerns are still present in the formal regulatory program. Despite numerous public meetings and considerable comment from industry, most all of our comments and concerns have been ignored.

We support the comments made by the National Paint & Coatings Association and the alternative proposal submitted by GLI. In addition, we would like to offer the following additional comments.

As NPCA stated in their formal comments, most of our members are small businesses, which don't have the resources in-house to evaluate this package. Most will have to hire outside consultants to evaluate their facilities after the package has been adopted. KPC is concerned that most of the focus through this process has been given to the larger facilities and that the impact on small facilities may not be known until after the regulations are implemented. Other than a longer compliance schedule, what assistance will the District give smaller companies in complying with this regulation?

In Regulation 1.02, we agree with NPCA's comment on the definitions in Regulation 1.02. Specifically, the definition of ambient air needs to be changed to only include air to which the general public has access. The current wording will make compliance much more difficult. The definition of malfunction needs to be changed. Emissions that do not exceed an applicable emissions standard should not be considered malfunctions.

In Regulation 1.06 we believe Section 5 needs to be rewritten. The regulation is still retroactive and it is unreasonable to ask companies to supply data that they may or may not have.

We still believe Regulation 1.20 is overly broad. There should be clear criteria on what would trigger the necessity for a malfunction prevention program and clear criteria on how a business would get out from under the program.

Regulation 1.21 should be eliminated and the District should implement the Federal LDAR Program. This regulation is inconsistent with the approach in the rest of the package and will be costly to implement. The additional benefits will be small, and the cost to implement this regulation will in many cases be well in excess of the District's estimated maximum of \$20,000 per ton.

Regarding Regulation 2.08, KPC believes the District should provide and estimate of what the fee structure would be over the next five years. KPC feels that fees will at least triple after year one.

In Regulation 5.21, we believe the standards and specifically the standard of 7.5 for all TACs is too severe. If adopted, Louisville will have the strictest standard that we've been able to find. This is especially true when coupled with other changes. Many businesses will not be able to meet it and the board will be managing this regulation by exception. We like the standard in the GLI alternative regulation.

In Regulation 5.22, we believe the District should add the Tier 5 model that GLI has proposed.

KPC would like to reiterate NPCA's comment on the Category 2B contaminants in Regulation 5.23. We don't believe an RSEI level of 500 is sufficient basis for including these contaminants in the list.

Finally, we support Regulation 5.30 and hope that the plan of action that results will contain meaningful steps. There is evidence to suggest that other sources play a major role with regards to air toxics risk. The California Air Resources Board estimated that 70% of their state's cancer risk came from diesel particulates.

In summary, KPC believes the STAR package is extremely onerous as written. These comments highlight our major concerns, but we believe many of the other comments you will receive from the industrial community will improve the regulation and make it better.

Sincerely,

Gregory J. Brotzge
Executive Director